

App.No: 160443	Decision Due Date: 25 th July 2016	Ward: Old Town
Officer: Thea Petts	Site visit date: 7 th June 2016	Type: Planning Permission
Site Notice(s) Expiry date: 18 th May 2016		
Neighbour Con Expiry: 21 st May 2016		
Press Notice(s): 31 st May 2016		
Over 8/13 week reason: N/A		
Location: 46-48 East Dean Road, Eastbourne		
Proposal: Proposed demolition of existing buildings and erection of a 3 storey 58 bed care home (use class C2).		
Applicant: Mr Harnoop Atkar		
Recommendation: Approve Conditionally		

Executive Summary:

Previously Refused Scheme

A similar scheme was refused on 29th October 2015 by Planning Committee due to the size, height, bulk, footprint and orientation of the proposed building and its potential effect on the occupiers of the residential properties nearby.

The Current Scheme

The current scheme has been subject to pre-application advice and feedback from members following the presentation of this draft scheme at Planning Committee on 22nd March 2016. The applicant has taken action on comments received from officers and members on their draft scheme and this is reflected in the current scheme, which includes:

- Articulation and modulation to the front elevation of the building
- Reduction in size of overall footprint
- Aligning front elevation with East Dean Road
- Pulling building further away from closest properties on Longland Road by approx. 9-14m
- Pulling building further away from rear garden of 2 Downside Close by approx. 4.5m (although the corner of the building is now somewhat closer to the side elevation (no windows) of this dwellinghouse, by approx. 2m)
- Stepping height of different parts of the building (parts of proposed building closest to adjacent houses has been lowered by approx. 1.5m)

The height of the building has been designed to create a more consistent height across the structure, which has reduced the sprawl of the footprint and removed the two storey elements of the previous scheme. Nevertheless, there is no increase in height when compared to the previously approved three storey outline scheme (12th March 2014).

Planning Status:

- Source Protection Zone
- Predominantly residential area
- Vacant site previously - and historically - used for industrial purposes. Most recently a car mechanic business operated from there.
- Outline planning permission was granted on 12th March 2014 for a three storey 47 bed residential care home and full planning permission for a three storey 58 bed care home was refused on 29th October 2015, this is currently at appeal.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Core Strategy Local Plan 2013 Policies

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C4: Old Town Neighbourhood Policy
- D1: Sustainable Development
- D2: Economy
- D10A: Design

Eastbourne Borough Plan Saved Policies 2007

- HO2: Predominantly Residential Area
- HO7: Redevelopment
- HO9: Conversions and changes of use
- HO17: Supported and Special Needs Housing
- HO20: Residential Amenity

NE4: Sustainable Drainage Systems
NE14: Source Protection Zone
NE17: Contaminated Land
UHT1: Design of New Development
UHT2: Height of Buildings
UHT4: Visual Amenity
UHT5: Protecting Walls/Landscape Features
UHT6: Tree Planting
UHT7: Landscaping

Site Description:

The application site is located on the north side of East Dean Road, close to the junction with Longland Road approximately 30 metres to the north east. The site is bounded by residential properties to the west, north and east, and East Dean Road to the south. Access to the site is via a vehicular entrance from East Dean Road to the south east side of the site at the rear of no. 42 East Dean Road. It is occupied a collection of single and two storey buildings formerly in use as car repairs and body shop workshops and B8 warehouse storage incorporating an element of on-site retail and deliveries from the site. The site is now vacant.

The site is an irregular shape and occupies approximately 0.34 hectares in area. The major part is generally level, but is located on a plateau where the levels slope steeply downwards from south west to north east. To the west, the land slopes steeply upwards to a height of 6 – 7 metres above the existing site levels to the side boundaries of nos.2 Downside Close and no.50 East Dean Road. To the north east of the site, the land slopes steeply downwards to the rear of the 2 storey houses fronting Longland Road where the existing ground level is approximately level with the eaves of these houses. The site is also set well below the level of East Dean Road and the houses to the south side of East Dean Road.

The existing boundary treatment around the site comprises a high flint and brick wall to the east and a 1.5 metre high close boarded fence along the north east side where there is also a collection of 3 single storey storage buildings within an indented alcove to this boundary to the rear of nos. 5 and 7 Longland Road. A 1m high chain-link fence runs along the boundary with East Dean Road, largely covered in ivy and weeds.

As the site has industrial use and is mostly hard surfaced, the existing landscaping is principally around the edge. This comprises trees, ivy and weeds; whilst none is noteworthy in itself, there is some group and screening value, particularly to East Dean Road and Downside Close. Some natural screening is also offered by the street trees along East Dean Road.

Relevant Planning History:

150499

Demolition of existing buildings and erection of a three-storey 58 bed care home (use class C2).
Planning Permission – Refused, 29/10/2015. This application is currently at appeal.

131015

Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.
Outline (some reserved) - Approved conditionally, 12/03/2014

130397

Proposed demolition of existing buildings and erection of a 3 storey 47 bedroomed home for the elderly.
Outline (some reserved) - Refused – 30/10/2015

100293

Installation of telecommunications equipment comprising a 12.5m high replica telegraph pole supporting 6 antennas (to be shared by Vodafone and O2), together with the provision of a radio equipment cabinet and ancillary development.
Prior Notification (telecoms)
Refused - 14/07/2010

EB/1972/0697

Demolition, additions and general improvements to the existing vehicle paint spraying and repair shop.
Granted, subject to conditions - 1972-09-07

EB/1966/0651

Erection of a six-storey block, comprising 10 one-bed room flats, and a linked three-storey block, containing 18 bed-sitting room flatlets, with garages under.
Granted, subject to conditions - 1966-12-15

Proposed development:

Full planning permission is now sought for a three storey 58 bedroom residential care home with 20 parking spaces. The proposed building departs from the form of the previous outline in terms of its footprint, which now is a clear 'T' shape with the bulk of the building somewhat reduced. The longest elevation – the bar of the 'T' – is to front running parallel with East Dean Road, with the vertical part of the 'T' extending northwards into the site. The site will be accessed via the existing access point from East Dean Road.

The height of the building has been designed to create a more consistent height across the structure, which has reduced the sprawl of the footprint and removed the two storey elements of the previous scheme. The northern wing, although still three storeys, stands at a height of approximately 10m and under this current scheme, is set back further from the residential

properties to the west of the plot. The bulk of the southern block running along East Dean Road stands at approximately 11.7m in height.

Other alterations made to the scheme in response to comments include removal of windows originally proposed for the westernmost elevation and the relocation of the bulk of the building to be set back from the residential properties to the east of the site. In addition, the prominent elevations – especially the East Dean elevation, have been articulated and modulated to mitigate the impact of a long unbroken elevation and the resultant effect this could have on the character and appearance of the wider area.

The proposed building would be principally brick with areas of render and Portland stone (or similar) accents under a concrete tiled roof; the windows and doors would be a mixture of aluminium and UPVC, whilst the drive and parking areas would be tarmac and block paving. The application indicates that here would be low level bollard lighting to the car park and down lighters under the entrance canopy.

The number of staff to be employed is stated on the form to be 60.

Consultations:

Internal:

Specialist Advisor (Arboriculture) – Recommends conditions and enhanced landscaping

- Trees on the bank fronting East Dean Road would result in predominantly dark rooms on this part of the building. This will lead to requests to remove the trees to allow further light into these areas. As the trees are only valuable as a screen and would not be a tree line which meets the criteria for a tree preservation order, they could be removed as part of the development.
- If this application is to be approved, a condition is recommended regarding a landscaping proposal which will enhance the development rather than hide it, by means of retaining possibly some of the trees on the bank adjacent to East Dean Road and supplement those trees with a more suitable planting plan which allows for longevity without future conflict.

Specialist Advisor (Economic Development) – Regeneration supports this proposal and requests that a local labour agreement be included (if permission is granted)

- Review of the application for the above site identifies 60 jobs and 2869 gross new internal floor space, 1689 net additional gross internal floor space
- In line with the 'Thresholds for Development' (adopted 1st April 2013) the development qualifies for a local labour agreement.
- The estimated monitoring fee would be £11,587.50. This is based on a build length of 99 weeks and is calculated in accordance with the

formula on page 18 of the Local Employment and Training Technical Guidance Note, adopted 1 April 2013.

Specialist Advisor (Environmental Health) – recommends conditions relating to operational noise

Specialist Advisor (Planning Policy) – no objection to current scheme

- As long as the scheme complies in terms of residential amenity (Policy HO20) and car parking (Policy TR11), the scheme is acceptable in policy terms.
- In principle, the application is in accordance with the NPPF providing accommodation for current and future demographic and meet the needs of different groups within the community (such as older people) as well as bringing the site back into use.
- In addition, it is compliant with the Redevelopment Policy (HO7) and Supported and Special Needs Housing Policy (HO17) of the Eastbourne Borough Plan.

External:

Environment Agency - Consent could be granted if the recommended conditions are to be included to deal with measures to prevent ground contamination.

County Archaeologist – Consultations – no concerns or recommendations

- 19th century chalk quarry on the site will have destroyed any earlier remains
- It is not considered that there are likely to be any archaeological remains affected by the proposal

Southern Water – Conditions and Informatives recommended to control foul and surface water disposal in order to mitigate the risk of localised flooding and ground water contamination.

Highways ESCC – No major concerns regarding highway impact of proposed development, conditions recommended

- 15 parking spaces recommended for 58 bed care home, therefore 20 spaces (incl. 2 disabled bays) exceeds requirements and is considered acceptable (as long as spaces measure correctly), but is recommended to be controlled by condition
- 6 cycle spaces are appropriate, but further details will be required as to the nature of the cycle storage
- Analysis using TRICS resulted in fewer trips than report suggests, therefore less traffic will probably be created than suggested by applicant
- Access does not raise any concerns due to excess of 110m visibility splays in both directions, but it is noted that parked cars do limit this splay to the right, but does not result in significant issues

- The site is reasonably well connected in transport terms, however a Travel Plan Statement for staff of care home to increase awareness of sustainable travel options is recommended for submission

Lead Local Flood Authority SUDS – request that details of SUDs are agreed before the development commences.

Neighbour Representations:

189 consultation letters were sent out, a Site Notice was displayed and an advertisement appeared in a local newspaper (published 10th May 2016).

17 objections have been received and 3 observations/general comments.

The objections received cover the following points:

Residential amenity

- Unacceptable overlooking
- Loss of privacy
- Unacceptable loss of light partly due to height of property
- Overlooks rear of properties in Longland Road and Downside Close
- Loss of sunlight to rear of properties in Longland Road
- Laundry flues etc. not shown in current scheme
- No refuse and recycling provision included within scheme

Design

- Overdevelopment of the site and inappropriate siting and layout of building
- Height of building would be taller than those in surrounding area and would dwarf nearby properties
- Scale and mass of building inappropriate
- 3 storeys would be intrusive and dominating
- Corporate and cold looking in terms of design and higher than other nearby properties, therefore would spoil the character of the area
- Out of character with the area

Other matters

- Parking provision on site is considered adequate
- Site will encourage inappropriate use of the junction with the A259 due to U-turns
- Increased danger surrounding the junction with the A259 will be exacerbated by the proposed development
- Parking issues within East Dean Road
- Development would create an excess of traffic to the area
- Development would have a negative impact on traffic
- Applicant's claim that staff would walk or cycle to work is unrealistic
- Development will increase on-road parking
- Concerns over safety of local residents with regards to contaminated land
- Unstable bank will erode and affect adjoin plots

- Concerns for flint wall and its stability
- Minor tweaks have not attended to principal concerns raised previously
- Some improvement on previous scheme

The observations received cover the following points:

- Building should be two storeys high, with a flat roof
- Materials should match properties in immediate area to maintain character
- If the care home is well staffed and supervised, there shouldn't be overwhelming problems – if there are, residents will be moving out of the area
- If light is to be lost, there would be concerns
- Would like wall to rear of property (adjoining site) to remain, even if at a reduced height

Reports Received (as part of application):

Design and Access Statement

- Turning space available on site to allow vehicles to leave in a forward gear
- Pedestrian access via new 1.8m footpaths
- Local bus services pass the site
- Applicant states that current scheme "*responds positively to its site, topography and immediate surroundings and dwellings with regards to purpose, scale, massing, aesthetics and materials*"
- Where possible and appropriate existing soft landscaping would be retained and incorporated into the scheme.

Parking Provision

- Cycle racks will be provided for staff and visitors and will accommodate 6 cycles
- Car parking provided for 20 cars (including 2 disabled bays)
- Considered appropriate to meet the likely demand.

Biodiversity Survey

- None of the buildings on site were considered suitable for supporting roosting bats
- Tree lined embankment "*identified as having potential habitat*"
- It is not considered that development at the site would have an impact on the two SSSI located 2km away
- Buildings and hard standing have negligible ecological value
- Works that would affect nesting birds should be carried out outside of the nesting season

Land Contamination Assessment

- Site is located above a major aquifer and as such, is a highly permeable site and may be a sensitive receptor

- There “*may be a potential source of contamination arising from the potentially contaminative past land uses which may have implications*”

Tree Survey and Arboricultural Implications

- 26 trees identified for survey and categorised using BS5837:2012
- Provision should be made to protect embankments (tree roots within) if existing buildings are removed as the existing buildings support the embankments
- One Elm in garden of no. 42 Longland Road should be protected
- Retaining access negates need for groundworks and subsequent damage to tree roots
- Proposed scheme should not affect existing and/or retained trees on the site as long as protection measures set out in BS5837:2012 are followed

Structural Survey of existing buildings

- One building could be retained as it is
- Two buildings could be used with a reasonable degree of modernisation
- Four buildings could be re-used after extensive upgrading and refurbishment
- Four buildings would need to be reconstructed

Appraisal:

Principle of development:

The principle of the development in this case has been established by the previous outline approval, and therefore the loss of the former B1 uses needs no justification.

A residential care home is considered an appropriate use for the site and the adopted plan recognises a need for this type of use in the town and potentially within Old Town specifically.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Overlooking and Privacy

In response to the reason for refusal of the previous scheme and comments made later at the pre-submission stage for this scheme, various alterations have been carried out to reduce potential for overlooking and loss of privacy.

The most notable amendment was the pulling back of the east elevation (facing the rear of properties along Longland Road). The ground level at which these properties stand is significantly lower than the proposed (due mainly to the topography of the site). The way the building has been pulled away from these properties reduces the potential for overlooking, not only due to the distance (in places up to 14m), but also because the view from most of the windows on this elevation will look directly onto the roofs for the properties in Longland Road and the rear gardens will not easily be visible.

Furthermore, this elevation is to serve the principal access to the home as well as a formal garden in front, and as such is less likely to attract considerable dwell-time.

Due to concerns regarding potential for overlooking from windows along the west elevation (facing 2 Downside Close and 50 East Dean Road), the elevation closest to these properties will have no windows at all. The central wing of the 'T' is to have windows, however, these will subsequently be further away from the nearest adjacent properties than the previously submitted schemes. 2 Downside Close is the closest and the most potentially affected property on this side of the site. However, the side elevation facing the site appears not to have any upper level windows which could be looked into from the proposed building, the concern would primarily be privacy issues regarding the garden, which at the moment benefits from being at a higher ground level to the proposed as well as a high flint wall. Furthermore, the majority of the vegetation and trees on this side of the site are to be retained, which will provide natural screening between the properties, especially with regards to 50 East Dean Road.

The gardens are to be maintained by the operator of the care home and used by the residents. However, it is not considered that the use of the gardens will result in significant overlooking issues as the garden is more greatly overlooked than it overlooks. Further to this, if landscaping is to be controlled by condition, it is possible to implement a scheme which reduces this potential for overlooking further using the responsible placement of trees, planting and boundary treatments.

As such, it is considered that the overlooking and privacy issues have been adequately attended to in response to the previous reason for refusal. Therefore, this is not perceived as a constraint to granting permission.

Potential Light Loss

It is noted that any building on the site would have an impact on the dwellings along Longland Road, as is the case now, and the principle of this has been established by the previous approval. The proposed building, however, would be less bulky and has been pulled away from the boundary by a considerable amount (between approx. 9-14m).

Overall it is considered that the current proposal would have less of an impact than the previously approved scheme. Further to reducing overlooking issues, the pulling back of the east side of the development significantly reduces the potential for light loss to the properties along Longland Road and as such directly addresses part of the reason for refusal of the previous scheme.

Other Amenity Concerns

Issues such as boundary treatments, noise from ventilation, refuse/recycling provision and external lighting will need to be controlled by condition to take into account the potential impact on adjoining residents.

Design issues:

General appearance, height, scale and massing

The proposed scheme is to be three storeys in height as the previously approved outline permission for a 47 bed care home and the recently refused 58 bed care home scheme. However, the footprint has been reduced and the bulk of the building has been principally relocated to the East Dean Road elevation and the centre of the site, furthest from the adjacent properties on Longland Road, East Dean Road and Downside Close.

Furthermore, the bulky appearance of both the approved and refused schemes has been broken up using articulation and modulation to the front elevation and stepped roof levels. These elements contribute to making the development look less dominating and more in-keeping with the stepped and modulated character of the majority of the surrounding properties. In addition it should be noted that the existing site levels is significantly lower than East Dean Road itself, this further reduces the scale and bulk of the development when viewed from this viewpoint.

Layout

The core outline (footprint) of the building has been refined and narrowed to a 'T' shape. Furthermore, in response to earlier mentioned design concerns, the applicant has articulated and modulated the front elevation of the building as well as addressing the height, stepping it in places both for appearance sake (to break-up the mass) and to reduce the impact of potential light loss to nearby properties.

External Surfaces and Other Materials

The design of the proposed building is residential in character and would be similar to many modern blocks of flats, as such it would not stand out from its surroundings, being of brick and render under a pitched roof.

Notwithstanding this, there some concerns regarding the proposed roof material – as there were with the previously refused application - which is a large concrete tiled which is supposed to resemble slate (Marley Edgemere). Whilst some of the existing buildings are roofed in slate, they are natural slate which has aged accordingly. Most of the surrounding residential properties are red or orange clay, and because the roof would be such a prominent feature in the street-scene, due to the buildings length and the sloping nature of the site, it is considered that the roof should be finished in a small element red tile.

As a result, the materials to be used in the development will need to be controlled by pre-commencement condition in order to ensure that the new development harmonises within its setting.

Impacts on trees:

The trees on the site have previously been assessed to be not worthy of protection from Tree Preservation Orders. Furthermore, the Specialist Advisor (Arboriculture) has recommended the removal of some of the trees on the site to mitigate the need for later removal (due to reduced natural light received by proposed building). Furthermore, it is recognised that further landscaping provision would make a positive contribution to the site and development.

Subsequently, during the life of the application, an amended plan showing the trees to be removed has been submitted and conditions shall be recommended for the further development of trees within the site.

Furthermore, adequate tree protection will have to be used in order to protect retained trees and those which lie outside of the site, but will otherwise be affected by development (street trees and Elm in rear garden of no. 42 Longland Road).

Impacts on highway network or access:

The number of parking spaces on the site is considered to be adequate for the use proposed. The site is located on a well-served bus route linking the site to Eastbourne town centre as well as the coastal routes; the site is therefore located in a reasonably sustainable area in transport terms. The Highway Authority raises no issues with the use, the level of parking provided or concerns with regards to access. However, conditions have been recommended to control parking/access related issues.

Planning obligations:

Due to the nature and scale of the development, a local labour agreement or associated condition, would be required if the development receives approval. As such, this matter will be addressed at the decision notice stage..

Other matters:

Sustainable Drainage and Waste Water

To ensure compliance with Policy NE4 and NE14, the proposal must provide a sustainable drainage scheme in-line with the constraint of the site as one within a source protection zone. No scheme for sustainable drainage has been submitted as part of the application, however, this in itself is not considered a constraint to development as it can be controlled by condition(s). The Local Lead Flood Authority has confirmed the site should deliver a SUDs solution in order to mitigate localised flooding issues.

It is considered that the development may contribute to an increase of surface water run-off and Southern Water has advised that this water should only be discharged into the sewerage system as a last resort. Therefore, it is considered appropriate to attach conditions to any consent granted which will require a suitable sustainable drainage plan, which must include all of the

requested details of the LLFA. The Environment Agency and Southern Water also recommend similar conditions, should permission be granted.

Source Protection Zone

Development on the site is acceptable in principal; it is not considered that development will automatically affect the aquifer or release potential pollution into the aquifer which sits below the site. Nevertheless, the appendages of the application do not discuss in detail what mitigation measures will be taken during construction or what construction methods will be adopted to sufficiently protect this water source.

Given the former use it is likely that there may be contamination within the ground, a condition is recommended to deal with this risk.

Ecology and Biodiversity

During the life of the application, the applicant confirmed that the bankside adjacent to 2 Downside Close would be retained due to its ecological merit. Furthermore, following the removal of the trees to the East Dean Road elevation, the embankment would be retained and used potentially to positively contribute to the ecological merit of the site. It is also recommended in the submitted report that a badger survey is carried out in the weeks prior to the commencement of development and that works should not be carried out to trees during nesting season, therefore Informatives shall be attached to any permission granted.

These elements of the development are considered to compliment the scheme and ensure that something of environmental merit is retained on the site.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

It is considered that this revised scheme would have a minimal impact on the amenities of nearby residents, especially when considered against previous schemes.

The proposal would result in some loss of sunlight and a change in the dynamics of the area which would include some overlooking, but it is not considered that the development will provide opportunities to overlook property that is not currently overlooked. Furthermore, it is considered that the current scheme has adequately addressed the reasons for the previous refusal in the revised details – especially to concerns regarding the

residential amenity of surrounding residents. The development would not be significantly harmful to justify refusal of permission and indeed, an array of benefits likely to result from the development outweigh concerns raised as such, is recommended for conditional approval.

Recommendation:

Approve Conditionally

Conditions:

- 1) Time
- 2) Approved Drawings
- 3) Hours of demolition and construction
- 4) Local Labour
- 5) No bonfires
- 6) External plant or equipment to be erected on or within the building to include noise impact survey
- 7) Samples of materials (Not to include tiles shown on submitted drawings)
- 8) Kitchen extraction location
- 9) Drainage strategy detailing foul and surface water to include SUDs
- 10) Lighting strategy
- 11) Details of retained and proposed areas of environmental merit (retained embankment)
- 12) Boundary treatments and landscaping
- 13) Submission of details of retaining walls to the bank adjacent to 50 East Dean Road and 2 Downside Close
- 14) Remediation strategy to deal with the risks associated with contamination of the site
- 15) Verification report relating to remediation strategy for contaminated land
- 16) Contamination found during development
- 17) No infiltration of surface water drainage into the ground is permitted
- 18) Piling or any other foundation designs using penetrative methods shall not be permitted
- 19) Traffic Management Scheme for demolition and construction
- 20) Prior to occupation, turning space for vehicles in-line with drawing
- 21) Prior to occupation, parking areas must be provided in accordance with approved plans
- 22) Cycle parking areas
- 23) Vehicle wheel washing equipment
- 24) Travel Plan Statement, prior to commencement of development (for operational staff)
- 25) Protection of existing trees (off site in Longland Road and street trees)
- 26) Protection of retained trees (on site)

- 27) Detailed plans of services in relation to trees
- 28) No contaminated material to be deposited at the site

Informatives:

- 1. Formal application for connection to public sewerage system
- 2. Formal agreement with Southern Water regarding infrastructure
- 3. Badger survey
- 4. Nesting birds

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.